

Notice of Allowability

Application No.

10/665,685

Examiner

ANH PHUNG

Applicant(s)

LUTZE ET AL.

Art Unit

2824

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Election received on Oct. 19, 2005.
2. ☒ The allowed claim(s) is/are 1-37.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date See Note
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other Search History.


ANH PHUNG
PRIMARY EXAMINER

Note: 12/12/03, 3/11/05 and
7/20/05

Detailed Action

1. This Office Action is responsive to the Election received on Oct. 19, 2005, the non-elected claims **38-40** are cancelled and the elected claims **1-37** are pending in the application.

Information Disclosure Statement

2. This office acknowledges receipt of the following items from the Applicant:
Information Disclosure Statement (IDS) filed on 12/12/03, 3/11/05 and 7/20/05.
Information disclosed and listed on PTO 1449(s) were considered.

Abstract

3. The abstract of the disclosure is objected to because the phraseology such as "**The present invention**" was used. See MPEP § 608.01(b).

Examiner's amendment

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The Abstract has been amended as follows:

Line 1, change "The present invention presents a" to -- **A** --.

The examiner's amendment has been made in order to place the application in a condition for allowance.

Examiner's Statement of Reasons for Allowance

5. Claims **1-37** are allowed.

Chang et al. et al. (US 6,829,174), Watanabe (US 6,229,734), Pio et al. (US 6,128,219) and Lee (US 5,978,278) disclose a non-volatile memory device and associated method having a control circuit for programming and erasing operations similar to that of the present application, but fail to teach:

“programming a first population of said storage elements to establish a distribution of threshold values corresponding to a first set of bias conditions; and subsequently determining the shift in the distribution of threshold values for the first population of storage elements in response to a second set of bias conditions” as claimed in the independent claim **1**; the dependent claims **2-19** are also allowed; or

“programming a first of said storage elements to a state determined by a first current level through the storage element in response to the application of a first set of bias conditions; applying a second set of bias conditions differing from the first set of bias conditions to the first storage element; determining a parameter indicative of the current level through the first storage element in response to applying the second set of bias conditions; and determining whether the first storage element is defective based upon the value of said parameter” as claimed in the independent claim **20**; the dependent claims **21-37** are also allowed.

Any comments considered necessary by applicants must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comment on Statement of Reasons for Allowance”.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ANH PHUNG** whose telephone number is **(571) 272-1883**. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **RICHARD ELMS**, can be reached on **(571) 272-1869**. The fax phone number for the organization where this application or proceeding is assigned is **(703) 872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Art Unit: 2824

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**ANH PHUNG
PRIMARY EXAMINER**